

EXHIBIT D

PUBLIC PARTICIPATION PLAN

CITY PARCEL SITE

DRAFT PUBLIC PARTICIPATION PLAN

ENFORCEMENT ORDER TO IMPLEMENT THE CLEANUP ACTION PLAN

PREPARED BY:

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INTRODUCTION

OVERVIEW OF PUBLIC PARTICIPATION PLAN

This Amended Public Participation Plan (Plan) focuses on public participation activities for the City Parcel Site located at 708 North Cook Street in the City of Spokane, Spokane County, Washington. The Site was used as a transformer repair and recycling operation called Spokane Transformer, Inc. from 1961 until 1979. Since 1980 the site has been used for a parcel delivery service called City Parcel, Inc. Now, most business activities have been moved to a Trent Avenue location in Spokane.

The contaminants at the site include Polychlorinated biphenyls (PCBs) and chlorinated hydrocarbons in soils. A groundwater sample taken in 1997 also showed PCBs above acceptable state levels. However, follow-up sampling did not detect PCBs in groundwater. PCBs are described in more detail on page 6.

This Plan has been developed by the Washington Department of Ecology (Ecology) and complies with the Washington State Model Toxics Control Act (MTCA), (Chapter 173-340-600 WAC). It is being amended to reflect previous and current public participation at the site. Ecology will determine final approval as well as any future amendments to the Plan.

The purpose of the Plan is to promote public understanding of the Washington Department of Ecology's responsibilities, planning, and cleanup activities at hazardous waste sites. It also serves as a way of gathering information from the public that will assist Ecology to cleanup the Site in a way that is protective of human health and the environment. The Plan will help the community living near the City Parcel Site, as well as the general Spokane community, to be informed regarding Site cleanup activities and contribute to the decision making process.

Documents relating to the cleanup may be reviewed at the repositories listed on page 7. If individuals want to know more or comment about the Site or Plan, please contact:

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Washington State Department of Ecology
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PUBLIC PARTICIPATION AND THE MODEL TOXICS CONTROL ACT

The Model Toxics Control Act (MTCA) is a “citizen-mandated” law that became effective in 1989 to provide guidelines for the clean up of contaminated sites in Washington State. This law sets up strict standards to make sure the clean up of sites is protective of human health and the environment. Ecology’s Toxic Cleanup Program investigates reports of contamination that may threaten human health or the environment. If an investigation confirms the presence of contaminants, the site is ranked and placed on a Hazardous Sites List. Current or former owner(s) or operator(s), as well as any other potentially liable persons (PLPs), of a site may be held responsible for cleanup of contamination according to the standards set under MTCA. After notice and opportunity for comment, Ecology notified Mr. Richard Boyce, Mr. Jerry Overton and Mr. Paul Gisselberg, in a letter dated April 12, 2001, that they were potentially liable persons for the City Parcel site under RCW 70.105D.040. Details of site ownership are found under the heading site Description and History below.

Public participation is an important part of the MTCA process during cleanup of sites. The participation needs are assessed at each site according to the level of interest by the public and degree of risk posed by contaminants. Individuals who live near the site, community groups, businesses, organizations and other interested parties are provided an opportunity to become involved in commenting on the cleanup process. The Public Participation Plan includes requirements for public notice such as: identifying reports about the site and the repositories where reports may be read; providing public comment periods; and holding public meetings or hearings. Other forms of participation may be interviews, citizen advisory groups, questionnaires, or workshops. Additionally, citizen groups living near contaminated sites may apply for public participation grants (during open application periods) to receive technical assistance in understanding the cleanup process and to create additional public participation avenues.

SITE BACKGROUND

SITE DESCRIPTION AND HISTORY

The City Parcel site is located at 708 North Cook Street at the intersection of North Cook and East Springfield Avenue (Figure 1). For approximately 18 years, the Site was used for a transformer repair and recycling operation called Spokane Transformer, Inc. Mr. Richard Boyce owned and operated the property and facility from 1961 until 1974. He leased the site in 1974 to Mr. Jerry Overton who became the owner/operator of the Spokane Transformer, Inc. facility until 1979. Paul and Mary Ann Gisselberg bought the property and facility in 1980. They began operating City Parcel, Inc. a parcel delivery service which operated at the site until recently. Now, most business activities have been moved to a location on Trent Avenue.

EPA conducted investigations at the Site in 1976, 1986 and 1987. Soil samples collected showed elevated concentrations of PCBs. These levels exceed the MTCA standards of 1 part per million (ppm) for unrestricted land use and 10 ppm for industrial properties. The

following maximum PCB concentrations were observed in these studies:

- 16,400 ppm in soils;
- 64,000 ppm in drain sediments inside the building;
- 415 ppm in building floor and wall scrape samples; and,
- 681 ppm in sediment samples from storm drains.

Chlorinated hydrocarbons were also detected in soils at the Site.

Mr. Gisselberg hired a consultant in 1997 to conduct additional investigations. The soil samples collected confirmed the presence of PCBs on-site. The maximum PCB soil concentration detected in an alleyway on the east side of the building was 1,620 ppm. The consultant also installed one monitoring well adjacent to a dry well. PCBs were detected in soil samples collected during the well installation. Groundwater was found at about 53 feet below ground surface. PCBs were found in a ground water sample from this well at 2.88 parts per billion (ppb) concentration, which is above the 0.1 ppb Method A cleanup level. A subsequent ground water sample collected after pumping a larger volume of water from the well did not detect PCBs.

In September 1997, Ecology's Toxics Cleanup Program assumed the lead investigation of the City Parcel site. An initial investigation was conducted and an early notice letter was sent to Mr. Gisselberg requiring additional remedial action.

Mr. Gisselberg submitted a proposed independent cleanup plan in 1998 for review under Ecology's Voluntary Cleanup Program. Ecology provided written review, comments and recommendations. Recommendations were for additional investigations and immediate actions to cover exposed soils in the parking lot and to inform workers and visitors of the potential exposure risk. The parking lot was later covered with gravel and the soil pile in the parking lot was covered with plastic. The soil pile is still on site and has not been treated.

In 1998, the Spokane Regional Health District completed a site hazard assessment (SHA) of the property, as required under MTCA, and the site was ranked "2". A rank of 1 represents the highest risk and 5 the lowest.

Remedial Investigation/Feasibility Study

In 2002 remedial investigation activities were conducted to further determine the nature and extent of contamination at the site. Results confirmed extensive PCB contamination in soils in the parking lot and alleyway. Groundwater sampling in 2002 and 2003 showed no PCB contamination during those sampling events.

A temporary cover was placed over the contaminated soils in the alleyway and subsequently the City covered the soils with gravel to reduce exposure. The feasibility study evaluated several cleanup options.

Cleanup Action Plan

A draft Cleanup Action Plan was prepared after the cleanup options were evaluated. The purpose of the DCAP was to select cleanup options that would do the following:

- Protect human health and the environment
- Prevent PCB-contaminated soils from coming into contact with skin or being eaten through contact with dirt
- Reduce any potential movement of PCBs from soil to ground water in the future
- Comply with cleanup standards and applicable state and federal laws
- Provide compliance monitoring
- Use cleanup solutions that will be as permanent as possible
- Provide a time frame for restoration that is reasonable
- Consider public concerns

Ecology selected the following actions to accomplish the goals of the Draft Cleanup Action Plan:

- Tear down the City Parcel building
- Remove the underground storage tank, dry wells, and drain lines
- Remove shallow soils that have contamination above 10 mg/kg* of PCBs
- Remove soils during the removal of the underground storage tank and dry wells if PCBs are greater than 10 mg/kg *
- Dispose of PCB-contaminated soil in a landfill that meets federal requirements for acceptance of PCB contamination
- Incinerate any liquid PCBs found in the tank and sediments in the drain lines (incineration will take place off-site in an approved facility)
- Apply deed restrictions to the property

Enforcement Order

The Enforcement Order requires previous owners Mr. Jerry Overton and Mr. Richard Boyce along with current owner Mr. Paul Gisselberg to implement the following:

- The Cleanup Action Plan as finalized in August 2004 after a 30-day public comment period. The Plan for cleanup of polychlorinated biphenyls (PCBs) in soil includes requirements to remove the building, soils, drain lines, dry wells and an underground storage tank as well as other details. The Order provides a cleanup option that applies the August 2004 Cleanup Action Plan with modifications that allow the building to remain on site instead of being removed.
- Record a Restrictive Covenant on the property to limit or prohibit site activities that could interfere with maintaining the cleanup after completion.
- Provide progress reports on a monthly basis until the cleanup action is finished.
- Produce a cleanup action report after construction is finished that summarizes all construction activities and changes or modifications

Because each owner either declined to conduct the work voluntarily or did not respond to Ecology's request to negotiate an Agreed Order or Consent Decree to implement the final Cleanup Action Plan, Ecology issued the Enforcement Order.

CONTAMINANTS OF CONCERN

Results of investigations at the site show extensive PCB contamination in soils from 0 to 12 inches below the ground surface. These soils are found in the gravel parking area on the north side of the building and in the alleyway east of the property. One dry well outside the building also contains PCB contamination. Contamination is also found inside the building in dry wells, an underground storage tank and drain lines. A groundwater sample taken in 1997 showed PCBs were above acceptable state levels. Follow-up sampling did not detect PCBs in groundwater. PCBs are not a concern in ground water.

PCBs are a group of manufactured chemicals, either solids or oily liquids. They may range from colorless to light yellow in color and have no smell or taste. These chemicals have been used as coolants and lubricants in transformers, capacitors or other electrical equipment. The manufacture of PCBs stopped in the United States in 1977 because of evidence they build up in the environment and cause harmful health effects.

Exposure may occur by breathing air near sites containing PCBs; contact with contaminated soils, drinking contaminated well water; eating contaminated foods such as dairy, fish and meat. Exposure may also occur during maintenance, or repair of transformers. Accidents, spills or fires involving transformers, fluorescent lights and other old electrical devices and disposal of PCB materials may also result in exposure. For details regarding PCB health effects, please see the Agency for Toxic Substances and Disease Registry (ATSDR) website at www.atsdr.cdc.gov/tfacts17.html.

COMMUNITY BACKGROUND

COMMUNITY PROFILE

City Parcel, Inc. is located on a relatively small property surrounded by a blend of businesses and residential homes within the city of Spokane. The community is made up of people from diverse backgrounds. The city name Spokane comes from some of the original settlers of the area who were Native American Indians from a Tribe called the "Spokanes." The name means "children of the sun" or "sun people."

Spokane currently boasts a population of more than 180,000 and encompasses an area of over 57 square miles. The population, although predominantly Caucasian, continues to become more diverse as the city grows. It is still home to Native Americans, primarily the Spokane and Coeur d'Alene Tribes. More than 30,000 people of Slavic heritage now live in the area, and the Hmong, Hispanic and Asian communities are continuing to grow.

As the largest city between Seattle and Minneapolis, Spokane is recognized as the financial, medical, educational, and economic hub of the Inland Northwest region. It comprises much of eastern Washington, northern Idaho, and western Montana.

COMMUNITY PROFILE AND CONCERNS

During a public meeting held November 15, 2001 in the City Parcel neighborhood, several concerns were raised about the site. People wanted to know if a comprehensive

study had been done of PCB contamination in the neighborhood and how many people in the area have cancer that might be related to exposure. They asked if employees of City Parcel were aware of the problem and how soon the cleanup would begin. Questions were raised regarding air quality, water quality and how the contamination is affecting the aquifer and drinking water. Citizens expressed concern that warning signs were not posted at the site and in the alleyway to warn the community of PCB contamination and possible exposure. Several questions were asked about the nature of PCBs, the high level of PCB contamination, why cleanup hadn't begun earlier and why there wasn't more publication about the issue. Ecology addressed these issues in a response dated December 20, 2001.

PUBLIC PARTICIPATION ACTIVITIES AND TIMELINE

The following are public participation efforts that have occurred and will continue until the cleanup actions are completed:

- ❖ A **mailing list** was developed of individuals who reside within the potentially affected area of the Site. The potentially affected vicinity covers the Site itself, adjacent properties and homes and/or businesses within a few blocks radius of the Site. These persons receive copies of all fact sheets developed regarding the cleanup process of the Site via first class mail. Additionally, individuals, organizations, local, state and federal governments, and any other interested parties will be added to the mailing list as requested. Other interested persons may request to be on the mailing list at any time by contacting Carol Bergin at the Department of Ecology (see page 2 for addresses/phone and e-mail).

- ❖ **Public Repositories** - documents may be reviewed at the following locations:

Washington Department of Ecology
4601 North Monroe
Spokane, WA 99205-1295
(509) 456-2926

Spokane Public Library
East Side Branch
524 South Stone
Spokane, WA 99202
(509) 444-5375

Ecology's Web page at www.ecy.wa.gov/programs/tcp/sites/city_parcel/city_parcel_hp.html

- ❖ During each stage of cleanup **fact sheets** are created by Ecology then distributed to individuals on the mailing list. These fact sheets explain the stage of cleanup, the site background, what happens next in the cleanup process and ask for comments from the public. A **30-day comment period** allows interested parties time to comment on the process. The information from these fact sheets is also published in a **Site Register** which is distributed to the public as requested. Persons interested in receiving the Site Register should contact Linda Thompson at 360-407-6069 or e-mail Ltho461@ecy.wa.gov. The fact sheets are also posted on Ecology's Web page under the Toxics Cleanup Program at www.ecy.wa.gov/programs/tcp/sites/sites.html.

- ❖ **Display ads or legal notices** are published in the Spokesman Review to inform the general public. These notices correlate with the 30-day comment period and associated stage of cleanup. They are also used to announce public meetings and workshops or public hearings.
- ❖ **Public meetings, workshops, open houses and public hearings** are held based upon the level of community interest. If ten or more people request a public meeting or hearing based on the subject of the public notice, Ecology will hold a meeting or hearing and gather comments. These meetings will be held in a location near the community and will be announced in a legal notice in the Spokesman Review.
- ❖ Written comments which are received during the 30-day comment period will be responded to in a **Responsiveness Summary**. The Responsiveness Summary will be sent to those who make the written comments and will be available for public review at the Repositories.

ANSWERING QUESTIONS FROM THE PUBLIC

Individuals in the community may have questions they want to ask so they may better understand the cleanup process. Page 2 lists the contacts for the City Parcel, Inc. Site. People are encouraged to phone or e-mail the listed contacts to obtain information about the Site, the process and potential decisions.

PUBLIC NOTICE AND COMMENT PERIODS – TIME LINE

DATE	ACTION TAKEN
October 11, - November 9, 2001	Fact Sheet: Remedial Investigation/Feasibility Study and 30-day comment period
November 15, 2001	Public meeting held in City Parcel neighborhood to introduce the project and answer questions
January 16 – February 18, 2003	Fact Sheet: Remedial Investigation Report and 30-day comment period
February 26 – March 26, 2004	Fact Sheet: Feasibility Study Report and 30-day comment period
July 21 – August 19, 2004	Fact Sheet: Draft Cleanup Action Plan and SEPA DNS
August - September 2005	Fact Sheet: Enforcement Order